

**In The High Court at Calcutta**  
**Criminal Revisional Jurisdiction**  
**Appellate Side**

**Coram:**

The Hon'ble Justice Jay Sengupta

**CRR 1314 of 2025**

Bittu Shaw & Anr.

Vs.

State of West Bengal & Anr.

For the petitioner : Mr. Pritam Majumdar

For the Opposite party : Mr. Joydeep Roy

Ms. Suparna Chatterjee

Heard on : 06.05.2025

Judgment on : 06.05.2025

**Jay Sengupta, J.:-** This is an application for quashing of a proceeding being GR case no. 2136 of 2024 arising out of Bhatpara Police Station Case no. 183 of 2024 dated 26.3.2024 under Sections 341/323/307/506 and 120B of the Indian Penal Code read with Sections 25 and 27 of the Arms Act.

Learned counsel appearing for the petitioners submits as follows. The petitioners have been falsely implicated in this case due to political rivalry.

There is no material whatsoever available against the present petitioners. The seizures were made from other accused. Charge-sheet was submitted showing the petitioners as absconders. The petitioners were unaware of such event.

Learned counsel appearing for the State opposes the prayer, relies on the case diary and submits as follows. The name of the petitioner no. 2 has been taken by independent eye-witnesses as well as the co-accused. But, the name of the petitioner no. 1 has been taken only by a co-accused. The victim has also named Pintu, the petitioner no. 2. However, proclamation and attachment have been issued against the petitioners.

Heard the learned counsels for the parties and perused the revisional application and the case diary.

It appears that the name of the petitioner no. 2 Pintu Das has been taken not only by a co-accused, but also by the independent eye-witness.

However, the name of the petitioner no. 1 Bittu Shaw has not been taken by any eye-witness. Even in the statement of the co-accused, it merely refers to the fact that the said petitioner no. 1 belonged to a gang. It is not alleged even by the co-accused that the said petitioner no. 1 had accompanied the other assailants for the alleged attack.

The other points taken up on behalf of the petitioner no. 2 pertain to disputed questions of fact which can best be dealt with by the learned Trial Court.

In view of the above, it appears that while a *prima facie* case is made out against the petitioner no. 2, no *prima facie* case is made out against the petitioner no. 1.

Accordingly, the impugned proceeding is quashed, so far as the petitioner no. 1 is concerned. However, the prayer of the petitioner no. 2 for quashing of the proceeding is rejected.

However, the petitioner no. 2 shall be at liberty to take up all the points before the learned Court at the appropriate stage.

Accordingly, the revisional application is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

**(Jay Sengupta, J.)**